

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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HARVEY KATZENBERG, et al.

Plaintiff,

-against-

DERVAL LAZZARI, et al.,

Defendants.  
-----X

NOT FOR PUBLICATION  
ORDER

04 CV 5100 (CBA)

AMON, UNITED STATES DISTRICT JUDGE

This Court has received the report and recommendation (“R&R”) of the Honorable Cheryl L. Pollack, United States Magistrate Judge. Judge Pollack recommended that: 1) plaintiff’s motion for summary judgment on the first cause of action be denied; 2) the court strike defendants’ waiver defense to plaintiff’s claim for pension benefits; 3) plaintiff’s motion for summary judgment on the second cause of action be denied; 4) plaintiff’s motion for summary judgment on his third cause of action be denied, without prejudice subject to renewal following the Court’s final disposition of the case; 5) plaintiff’s motion for summary judgment on defendants’ second counterclaim be denied; and 6) defendants’ motion to amend be granted. Because no party objected to the report and recommendation, the Court hereby adopts the report and recommendation as the opinion of the Court.

SO ORDERED.

Dated: Brooklyn, New York  
March 30, 2007

Carol Bagley Amon  
United States District Judge